IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

WP(C).No. 8074 of 2004(J)

OS.57/2001 of SUB COURT,IRINJALAKUDA
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PETITIONERS:
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1. SINDHU, AGED 27 YEARS, W/O.SUNILKUMAR
VELLATTUPARAMBIL HOUSE, KUZHUR, THRISSUR DISTRICT.

2. SEETHA, AGED 20 YEARS, W/O.LIJU,
VELLATTUPARAMBIL HOUSE, KUZHUR, THRISSUR DISTRICT

BY ADV. SRI.RENJITH THAMPAN
SRI.BINESH.K.N.

RESPONDENT:

DHARMAPRIYA KURIES AND LOANS PRIVATE
LIMITED, REPRESENTED BY ITS MANAGING DIRECTOR
PRABHAKARAN, S/O.KOCHURAMAN, POYYARA HOUSE,
IRINJALAKUDA.

BY ADV. SRI.K.G.BALASUBRAMANIAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Appendix

Petitioners' Exts:

Ext.P1 true copy of the execution petition dated 4.1.03 filed by the respondent in OS 571/01 of the sub Court, Irinjalakuda.

M.N.Krishnan, J.

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W.P(C).No.8074 of 2004

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Dated this the 31st day of October, 2007.

JUDGMENT

This Writ Petition is filed to direct the Subordinate Judge, Irinjalakuda to immediately release the judgment debtors in O.S.No.571 of 2001 on furnishing security for appearance as required under Order 21 Rule 42 of C.P.C. At the outset I may point out that the petitioners before the court have nothing to do with the decree and no order is passed against them by the court. When the civil court passes a decree and it is put into execution necessary procedural formalities contemplated under Order 21 Rule 37 and Order 21 Rule 40 of C.P.C. are followed by the court and directions are given. When the judgment debtors want to get away from the clutches of the imprisonment they may have to pay the amount for the purpose of satisfaction of the decree and then the court will pass an order that the amount is received and on recording satisfaction direct the judgment debtor to be released from jail. The approach appears

to be that the judgment debtors' wives have approached this Court for relief. It is unknown to civil law. This is only a sheer abuse of process of court and therefore, the Writ Petition is dismissed.

M.N.Krishnan,
Judge.

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